



February 16, 1999

SENATE BILL No. 418

DIGEST OF SB418 (Updated February 11, 1999 3:41 pm - DI 44)

Citations Affected: IC 6-1.1; noncode.

Synopsis: Tax abatement procedures. Permits a city, town, or county to grant tax abatement if the application for the abatement was not filed in a timely manner.

Effective: January 1, 1997 (retroactive); January 1, 1999 (retroactive).

Clark

January 11, 1999, read first time and referred to Committee on Finance.
February 15, 1999, amended, reported favorably — Do Pass.

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SB 418—LS 7385/DI 44+



February 16, 1999

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

SENATE BILL No. 418

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 6-1.1-12.1-11.3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]:
3 Sec. 11.3. (a) This section applies only to the following requirements
4 under ~~section 3~~ of this chapter:

5 (1) Failure to provide the completed statement of benefits form to
6 the designating body **under section 3 or 4.5 of this chapter**
7 before the hearing required by section 2.5(c) of this chapter.

8 (2) Failure to submit the completed statement of benefits form to
9 the designating body **under section 3 or 4.5 of this chapter**
10 before the initiation of the redevelopment or rehabilitation or the
11 installation of new manufacturing equipment for which the person
12 desires to claim a deduction under this chapter.

13 (3) Failure to designate an area as an economic revitalization area
14 **under section 3 or 4.5 of this chapter** before the initiation of the:

15 (A) redevelopment;

16 (B) installation of new manufacturing equipment; or

17 (C) rehabilitation;

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for which the person desires to claim a deduction under this chapter.

(4) Failure to make the required findings of fact **under section 3 or 4.5 of this chapter** before designating an area as an economic revitalization area or authorizing a deduction for new manufacturing equipment under section 2, 3, or 4.5 of this chapter.

(5) Failure to file a deduction application under either section 5 or section 5.5 of this chapter in a timely manner.

(b) This section does not grant a designating body the authority to exempt a person from filing a statement of benefits or exempt a designating body from making findings of fact.

(c) A designating body may by resolution waive noncompliance described under subsection (a) under the terms and conditions specified in the resolution. Before adopting a waiver under this subsection, the designating body shall conduct a public hearing on the waiver. **The designating body may charge a filing fee not to exceed five hundred dollars (\$500) to consider a request for a waiver under this section. A filing fee collected by the designating body under this subsection shall be deposited in the general fund of the city, town, or county served by the designating body.**

(d) Before adopting a resolution waiving noncompliance described under subsection (a)(5), the designating body must review the statement of benefits initially filed under section 3 or section 4.5 of this chapter and find that the person submitting the request under subsection (a)(5) has substantially complied with the statement of benefits, including job creation or retention, capital investment, and any other requirements imposed by the designating body. The designating body has full discretion to refuse to grant the waiver for any reason it considers appropriate, regardless of whether substantial compliance with the statement of benefits is proven.

(e) If the designating body adopts a resolution waiving noncompliance described under subsection (a)(5) with respect to a deduction application under section 5 of this chapter, the designating body shall notify the county auditor and the assessor of the township in which the property is located. Upon verification of the correctness of the deduction application by the township assessor, the county auditor shall make the appropriate deduction.

(f) If the designating body adopts a resolution waiving noncompliance described under subsection (a)(5) with respect to a deduction application under section 5.5 of this chapter, the

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1 designating body shall notify the state board of tax commissioners
2 of its determination. The state board of tax commissioners shall
3 review and verify the correctness of the deduction application and
4 shall notify the county auditor of the county in which the property
5 is located that the deduction application is approved or denied or
6 that the amount of the deduction is altered. Upon notification of
7 approval of the deduction application or of alteration of the
8 amount of the deduction, the county auditor shall make the
9 deduction.

10 SECTION 2. [EFFECTIVE JANUARY 1, 1997 (RETROACTIVE)]

11 (a) The definitions contained in IC 6-1.1-12.1 apply to this
12 SECTION.

13 (b) This SECTION applies to a property owner who:

14 (1) is located in an economic revitalization area as determined
15 by resolution of the designating body in accordance with
16 IC 6-1.1-12.1;

17 (2) was determined by the designating body to be entitled to
18 receive a deduction under IC 6-1.1-12.1;

19 (3) has substantially complied with the statement of benefits
20 filed under IC 6-1.1-12.1-3 or IC 6-1.1-12.1-4.5, including job
21 creation or retention, capital investment, and any other
22 requirements imposed by the designating body; and

23 (4) is not eligible for the property tax deduction under
24 IC 6-1.1-12.1 because the property owner failed to timely file
25 a deduction application under IC 6-1.1-12.1-5 or
26 IC 6-1.12.1-5.5.

27 (c) Notwithstanding IC 6-1.1-12.1, the designating body may, by
28 resolution, waive noncompliance with the timely filing requirement
29 for the deduction application in question.

30 (d) If the designating body adopts a resolution under subsection
31 (c) with respect to a deduction application under IC 6-1.1-12.1-5,
32 the designating body shall notify the county auditor and the
33 assessor of the township in which the property is located. Upon
34 verification of the correctness of the deduction application by the
35 township assessor, the county auditor shall make the appropriate
36 deduction.

37 (e) If the designating body adopts a resolution under subsection
38 (c) with respect to a deduction application under IC 6-1.1-12.1-5.5,
39 the designating body shall notify the state board of tax
40 commissioners of its determination. The state board of tax
41 commissioners shall review and verify the correctness of the
42 deduction determination made by the designating body and shall



1 **notify the county auditor of the county in which the property is**
2 **located that the deduction determination is approved or denied or**
3 **that the amount of the deduction is altered. Upon notification of**
4 **approval of the deduction application or of alteration of the**
5 **amount of the deduction, the county auditor shall make the**
6 **deduction.**
7 **(f) Property tax deductions granted under this SECTION apply**
8 **to property taxes first due and payable after December 31, 1996.**
9 **(g) This SECTION expires December 31, 2000.**
10 **SECTION 3. An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. President: The Senate Committee on Finance, to which was referred Senate Bill No. 418, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 6, after "3" insert "**or 4.5**".

Page 1, line 9, after "3" insert "**or 4.5**".

Page 1, line 14, after "3" insert "**or 4.5**".

Page 2, line 3, after "3" insert "**or 4.5**".

Page 2, line 16, after "waiver." insert "**The designating body may charge a filing fee not to exceed five hundred dollars (\$500) to consider a request for a waiver under this section. A filing fee collected by the designating body under this subsection shall be deposited in the general fund of the city, town, or county served by the designating body.**".

Page 2, line 24, after "body." insert "**The designating body has full discretion to refuse to grant the waiver for any reason it considers appropriate, regardless of whether substantial compliance with the statement of benefits is proven.**".

and when so amended that said bill do pass.

(Reference is to SB 418 as introduced.)

BORST, Chairperson

Committee Vote: Yeas 14, Nays 0.

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